

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ASHLEE MYERS,

Plaintiff,

v.

SOLAIS LIGHTING, LLC,

Defendant.

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CIVIL ACTION NO. 4:21-cv-00343

DECLARATION OF NIMISH GANDHI

In accordance with 28 U.S.C. § 1746, I, Nimish Gandhi, declare under penalty of perjury that the following is true and correct:

1. My name is Nimish Gandhi. I am over the age of 18 and have never been convicted of a felony or crime involving moral turpitude. I have personal knowledge of the facts set forth in this *Declaration*, and I could testify to the same if called as a witness in this lawsuit.

2. I am employed by Defendant Solais Lighting, LLC (“Solais” or “Defendant”) as its Chief Financial Officer.

3. Plaintiff Ashlee Myers initially began her employment in January 2019 with Solais Lighting Services, Inc., a division of PowerSecure International, Inc.

4. Solais is a Delaware limited liability company. It was formed on January 1, 2020, after ending its former status as a division of PowerSecure International, Inc. At this time, Myers began working for Solais as its Client Services Supervisor.

5. At the same time that Solais emerged as a discrete legal entity, it entered into a contractual relationship with TriNet USA, Inc. (“TriNet”) to utilize its services as a Professional Employer Organization (“PEO”).

6. Under this arrangement, Solais became the co-employer or worksite employer of its employees and was responsible for the hiring, firing, and day-to-day direction of employees’ work. TriNet, on the other hand, became the employer of record for administrative purposes, including (but not limited to) payroll, benefits, and human resources.

7. Solais is a vertical LED manufacturer that uses best-in-class

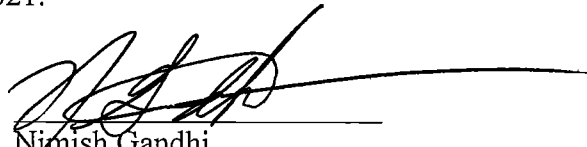
engineering to regularly provide solutions to its clients located throughout the United States. In addition, Solais regularly purchases equipment and materials from entities located in several different states and countries.

8. In her position as Client Services Supervisor, Myers's duties were aimed at maintaining Solais' customer relationships with clients located throughout the United States. Her duties included interaction with the company's marketing department, coordination of client services activities, monitoring the opening of client accounts (including the client credit application process), supervision of client services associates, and oversight of product returns and replacements.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the forgoing

Declaration is true and correct.

Executed on this the 27th day of May, 2021.

A handwritten signature in black ink, appearing to read 'Nimish Gandhi', is written over a horizontal line.

Nimish Gandhi
Chief Financial Officer
Solais Lighting, LLC